

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Toyota Jidosha Kabushiki Kaisha,
t/a Toyota Motor Corporation,

-and-

Toyota Motor Sales, U.S.A., Inc.,

Opposers

v.

Syngenta Participations AG,

Applicant



12-08-2003

U.S. Patent & TMO/TM Mail Rpt Dt. #22

Opposition No.: 157,206

U. S. Appln. Serial No.: 78/145,546

Mark: LEXUS

Opposition No.: Mark: LEXUS

U. S. Appln. Serial No.: 78/185,538

Mark: LEXXUS

MOTION TO CONSOLIDATE OPPOSITIONS

Opposers, Toyota Jidosha Kabushiki Kaisha and Toyota Motor Sales, U.S.A., Inc., have pending Opposition No. 91157206 against Application Serial No. 78/145,546 filed by Syngenta Participations AG.

Opposers, Toyota Jidosha Kabushiki Kaisha and Toyota Motor Sales, U.S.A., Inc. are filing concurrently with this motion an opposition against Application Serial No. 78/185,538 for the trademark LEXXUS, filed by Syngenta Participations AG.

The grounds for opposition in both proceedings are the same. There are common questions of fact and law in both oppositions. The only difference between the two oppositions is that in Serial No. 78/145,546 the mark is LEXUS and in Serial No. 78/185,538 the mark is LEXXUS.

There is no issue of fact or law in either opposition which is not present in the other opposition.

In view of the common questions of law and fact in both oppositions and the identity of the parties in both oppositions, and in view of the fact that Opposition No. 91157206 is still in the discovery stage of the proceeding, it would be advantageous to both parties and to the Board to go forward with a common record for both cases and therefore to consolidate the proceedings. *See* TBMP § 511.

Opposers hereby move for consolidation of Opposition 91157,206 with the opposition to be instituted against Application Serial No. 78/185,538.

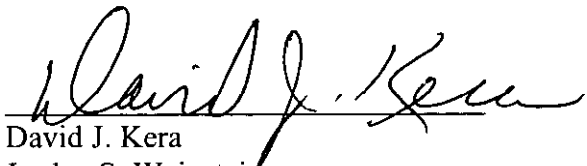
Respectfully submitted,

Toyota Jidosha Kabushiki Kaisha
t/a Toyota Motor Corporation

-and-

Toyota Motor Sales, U.S.A., Inc.

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **MOTION TO CONSOLIDATE OPPOSITIONS** was served on counsel for Applicant, this 8~~th~~ day of December, 2003, by sending same via First Class mail, postage prepaid, to:

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